

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 24, 2013**

PRESENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Ellen J. Hurley, Braddock District
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Peter F. Murphy, Springfield District

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The meeting was called to order at 8:16 p.m., by Vice Chairman Frank A. de la Fe, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Wednesday, November 6, 2013, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss the progress on Code Amendments and Public Facilities Manual Amendments for Stormwater Management since the public hearing and discuss with staff an upcoming amendment to the County's green building policy. He noted that the meeting was open to the public.

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Commissioner Sargeant announced that the Planning Commission's Residential Studios Unit Committee would have its first meeting on Monday, October 28, 2013, at 7:00 p.m. in Conference Rooms 4/5 of the Fairfax County Government Center. He noted that the meeting was open to the public.

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Vice Chairman de la Fe announced that the Board of Supervisors would recognize Barbara Lippa, former Executive Director of the Planning Commission Office, on Tuesday, October 29, 2013, for her years of service to Fairfax County.

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Commissioner Hall informed the Commission that John Cooper, Clerk to the Planning Commission, had forwarded them copies of the meeting minutes for the following dates:

December 5, 2012
January 24, 2013

January 10, 2013
January 30, 2013

January 17, 2013

She asked the Commissioners to review the documents and forward any revisions to Mr. Cooper. She then indicated that she would move to approve these minutes at the meeting on Thursday, November 21, 2013.

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On behalf of Commissioner Lawrence, Commissioner Hart MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON RZ 2009-PR-022, JAMES HOLLINGSWORTH, TO A DATE CERTAIN OF WEDNESDAY, OCTOBER 30, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Hedetniemi seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

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Commissioner Hart stated that staff had made progress on the proposed Code Amendments and Public Facilities Manual Amendments regarding stormwater management in its ongoing discussions with industry representatives and in its review of questions submitted by citizens and the Commission, but the amendments were not ready for a vote; therefore, he MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON PROPOSED CHAPTER 124, (STORMWATER MANAGEMENT ORDINANCE), REPEAL OF CHAPTERS 105 (POLLUTION OF STATE WATERS) AND 106 (STORM DRAINAGE), AND PROPOSED AMENDMENTS TO CHAPTERS 101 (SUBDIVISION ORDINANCE), 104 (EROSION AND SEDIMENTATION CONTROL), 112 (ZONING ORDINANCE), 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND APPENDIX Q (LAND DEVELOPMENT SERVICES FEES) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA REGARDING IMPLEMENTATION OF THE VIRGINIA STORMWATER MANAGEMENT ACT (*VIRGINIA CODE* ANNOTATED SECTION 62.1-44.15:24, ET SEQ.) AND VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) PERMIT REGULATIONS (4 VAC 50-60 ET SEQ.) AND PROPOSED AMENDMENTS TO CHAPTER 6 (STORM DRAINAGE) AND CHAPTER 12 (VEGETATION PRESERVATION AND PLANTING) OF THE PUBLIC FACILITIES MANUAL REGARDING WATER QUALITY CONTROLS, ADEQUATE OUTFALL, DETENTION, MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES, AND REPLANTING OF DISTURBED AREAS, TO A DATE CERTAIN OF THURSDAY, NOVEMBER 21, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Sargeant seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

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Commissioner Donahue stated that he had visited the subject property for PCA 86-D-108, William Weiss, on Friday, October 18, 2013, and more time was needed to continue discussions on outstanding issues; therefore, he MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON PCA 86-D-108, WILLIAM WEISS, TO A DATE CERTAIN OF THURSDAY, NOVEMBER 21, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Hedetniemi seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF ZONING APPEALS DEFER ITS PUBLIC HEARING FOR THE ASSOCIATED SPECIAL PERMIT FOR THIS CASE, SP 2013-DR-027, TO A DATE AFTER THE PLANNING COMMISSION HAS MADE A DECISION ON THIS APPLICATION.

Commissioner Hart seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

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Commissioner Hall said that due to staff's inability to contact the applicant and their lack of coordination with the Mason District Land Use Committee, she announced her intent to defer the public hearing for SE 2013-MA-009, Abbas Azizi, to an indefinite date at the Planning Commission's meeting on Thursday, December 5, 2013.

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Commissioner Hurley announced her intent to further defer the decision only on RZ/FDP 2012-BR-020, Eastwood Properties, Inc., to a date certain of Wednesday, November 6, 2013, at the Planning Commission's meeting on Wednesday, October 30, 2013.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. AR 96-S-002-02 – NILA M. CASTRO TRUST; CASTRO COLCHESTER FARMS, LLC (Springfield District)
2. SE 2013-MA-007 – SOUTH BAYLO UNIVERSITY
3. SE 2013-LE-005 – FRANCONIA SQUARE, LLC
4. CSPA 2005-PR-041-02 – ESKRIDGE (E&A) LLC
5. RZ/FDP 2013-MV-001 – A&R HUNTINGTON METRO, LLC

This order was accepted without objection.

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AR 96-S-002-02 – NILA M. CASTRO TRUST; CASTRO COLCHESTER FARMS, LLC – A&F District Appl. Renewal authorized by Chapter 115 (County Code), effective June 30, 1983 to permit renewal of a previously approved agricultural and forestal district. Located at 11720 Chapel Rd., Clifton, 22024, on approx. 118.25 ac. of land zoned R-C and WS. Tax Map 76-3 ((1)) 13Z and 76-4 ((1)) 15Z. SPRINGFIELD DISTRICT. PUBLIC HEARING

Vice Chairman de la Fe noted that Commissioner Hedetniemi would handle this case in Commissioner Murphy's absence.

Commissioner Hedetniemi asked that Vice Chairman de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Hedetniemi for action on this case. (A verbatim excerpt is in the date file.)

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On behalf of Commissioner Murphy, Commissioner Hedetniemi MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 95-S-002-02 AND ALSO AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE CASTRO LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED OCTOBER 9, 2013.

Commissioner Donahue seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

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SE 2013-MA-007 – SOUTH BAYLO UNIVERSITY – Appl. under Sect. 4-204 of the Zoning Ordinance to permit a college/university. Located at 7535 Little River Tnpk., Annandale, 22003, on approx. 2.44 ac. of land zoned C-2, HC, and SC. Tax Map 71-1 ((42)) 310E; 71-1 ((42)) 325A, 325B, 325C, and common areas associated with 7535 Little River Tnpk. MASON DISTRICT. PUBLIC HEARING

Frederick Taylor, Esquire, Bean, Kiney & Korman, PC, reaffirmed the affidavit dated September 10, 2013. There were no disclosures by Commission members.

Commissioner Hall asked that Vice Chairman de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2013-MA-007, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 23, 2013.

Commissioner Hart seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING MODIFICATIONS:

- A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE EASTERN AND SOUTHERN BOUNDARIES IN FAVOR OF THE EXISTING VEGETATION; AND
- A MODIFICATION OF THE BARRIER REQUIREMENTS ALONG THE NORTHERN, EASTERN, AND SOUTHERN BOUNDARIES IN FAVOR OF THE EXISTING BARRIERS AND VEGETATION.

Commissioner Hart seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

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SE 2013-LE-005 – FRANCONIA SQUARE, LLC – Appl. under Sect. 9-601 of the Zoning Ordinance to permit a service station. Located at 6136 Franconia Rd., Alexandria, 22310, on approx. 32,088 sq. ft. of land zoned C-5 and HC. Tax Map 81-3 ((4)) 4A.
LEE DISTRICT. PUBLIC HEARING

John Manganello, Applicants Agent, Land Development Consultants, Inc., reaffirmed the affidavit dated September 10, 2013. There were no disclosures by Commission members.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2013-LE-005.

Commissioner Migliaccio stated that the two outdoor storage trailers located on the subject property were not visible from the existing residence to the north. He added that the owners of this property did not object to the proposal.

Responding to questions from Commissioner Migliaccio, Ms. Tsai pointed out the location of additional evergreen tree plantings that the applicant would install on the site. She then indicated that staff recommended that the storage trailer be removed to ensure that the proposal was consistent with the Comprehensive Plan.

When Commissioner Sargeant asked staff to discuss the relationship between the original Special Permit, S-168-74, and stormwater management on the site, Ms. Tsai explained that under S-168-75, the amount of impervious surface on the site was calculated based on the existing area. She added that staff had reviewed the application with the Department of Public Works and Environmental Services and had determined that at the time of site plan review, the applicant was required to base their calculations on the site plan that was approved in 1974.

Commissioner Sargeant then asked staff to explain how the buffer would control stormwater runoff and hydrocarbon runoff. Ms. Tsai pointed out that the applicant had an existing oil separator on the site. She also stated that Development Condition Number 30 in the development conditions listed in Appendix 1 of the staff report required the applicant to conduct regular maintenance of an existing automotive fluid separator or to install one if necessary to sufficiently remove and dispose of automotive fluid.

A discussion ensued between Commissioner Sargeant and Ms. Tsai regarding Development Condition Number 26, which stated that vehicles parking on-site would only park in designated spaces, wherein Ms. Tsai said that the spaces located at the rear of the property were not currently striped, but noted that the applicant would stripe these spaces.

Commissioner Hart pointed out that when an applicant has built something on a property without the proper approvals and a Special Permit application is submitted to resolve a violation, the application usually included a development condition requiring the applicant to obtain the necessary building permits and conduct the necessary inspections within a certain number of months to ensure that the connections with utilities were sufficient. He then noted that there was no such development condition in the subject application and asked why this was not included, adding that the two additional bays the applicant installed in the rear of the existing building could potentially have utility or structural issues. Ms. Tsai stated that such a development condition would be added to the proposal.

Mr. Manganello explained that the purpose of the subject application was to address a Notice of Violation on the site. He also noted that the two existing outdoor storage trailers, the rear parking lot, and the two additional bays had been installed before the applicant had leased the site. He then stated that the proposal would also improve the subject property by providing curb and gutter, striped parking, enhanced stormwater management practices, and additional landscaping that included plantings for trees and shrubs. Mr. Manganello pointed out that the outdoor vehicle lift that had previously been on the site had been removed, thereby complying with Development Condition Number 7, which prohibited such lifts. In addition, he said that the applicant had coordinated with staff and the Lee District Land Use Committee, which supported the proposal. He then requested that the Commission support the removal of Development Condition Number 6, which prohibited the outdoor storage trailers, because these trailers were essential for the continued operation of the business on the site.

Replying to questions from Commissioner Migliaccio, Mr. Manganello said that a dumpster would be located behind the outdoor storage trailers, which would be enclosed by a fence to screen the trailers. He also pointed out that there was an existing fence on the site that screened the trailers from Franconia Road and a similar fence along the northern boundary of the site to screen it from the neighboring residential development. A discussion ensued between Commissioner Migliaccio and Mr. Manganello regarding Commissioner Hart's suggestion regarding an additional condition requiring the applicant to obtain the necessary permits wherein Mr. Manganello stated that he did not object to adding such a condition.

Commissioner Hart asked whether the removal of Development Condition Number 6 would permit the applicant to install donation boxes on the subject property, noting that this had been an issue at other sites. Commissioner Migliaccio said he did not object an additional development condition prohibiting donation boxes, but noted that these boxes would not be viable on the subject property due to size constraints. Mr. Manganello added that the applicant did not intend to install donation boxes on the subject property, echoing Commissioner Migliaccio remarks about the size constraints of the site.

Vice Chairman de la Fe called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Migliaccio for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2013-LE-005, SUBJECT TO THE DEVELOPMENT CONDITIONS IN APPENDIX 1 OF THE STAFF REPORT AND THE FOLLOWING MODIFICATIONS:

- REMOVAL OF DEVELOPMENT CONDITION NUMBER 6, WHICH PROHIBITS OUTDOOR STORAGE CONTAINERS OR TRAILERS ON THE SITE;
- ADDITION OF A DEVELOPMENT CONDITION THAT READS AS FOLLOWS: "THE APPLICANT SHALL PROVIDE A SEPARATE CONTAINER OR ENCLOSED AREA WITHIN THE TWO STORAGE TRAILERS WHERE AUTOMOTIVE FLUID OR LIQUIDS ARE STORED IN ORDER TO CAPTURE SPILLAGE THAT MAY LEAK ONTO THE FLOOR OF THE STRAGE TRAILER OR ONTO THE GROUND. SUCH CONTAINER OR ENCLOSED AREA SHALL BE PROVIDED WITHIN 60 DAYS OF THIS SEPCIAL EXCEPTION APPROVAL;"
- ADDITION OF A DEVELOPMENT CONDITION THAT READS AS FOLLOWS: "TO REDUCE THE NOISE LEVELS ASSOCIATED WITH ANY IMPACT GUNS USED FOR VEHICLE SERVICE, THE EMPLOYEES OF THE VEHICLE LIGHT SERVICE ESTBABLISHMENT SHALL USE "QUIET GUN" IMPACT GUNS IN THE TWO

REAR SERVICE BAYS. THIS MODEL OF IMPACT GUNS SHALL BE THE ONLY MODEL USED DURING ALL HOURS OF OPERATION;” AND

- ADDITION OF A DEVELOPMENT CONDITION REQUIRING THE APPLICANT TO OBTAIN THE NECESSARY BUILDING PERMITS AND CONDUCT THE NECESSARY INSPECTIONS FOR EXISTING STRUCTURES ON THE SITE WITHIN A SPECIFIED TIME FRAME.

Commissioner Sargeant seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS:

- A MODIFICATION OF THE COUNTYWIDE TRAILS PLAN FOR A MAJOR PAVED TRAIL ALONG FRANCONIA ROAD IN FAVOR OF THE EXISTING FIVE-FOOT WIDE CONCRETE SIDEWALK;
- A MODIFICATION OF SECTION 13.303 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE NORTHERN PROPERTY LINE TO THAT SHOWN ON THE SPECIAL EXCEPTION PLAT; AND
- A WAIVER OF SECTION 13-203 OF THE ZONING ORDINANCE FOR PERIPHERAL PARKING LOT LANDSCAPING ALONG FRANCONIA ROAD AND VALLEY VIEW DRIVE.

Commissioner Sargeant seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

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CSPA 2005-PR-041-02 – ESKRIDGE (E&A) LLC – Appl. under Sect. 12-210 of the Zoning Ordinance to amend the previously approved Comprehensive Sign Plan associated with RZ 2005-PR-041 to permit sign modifications. Located on the S. side of Lee Hwy., approx. 400 ft. W. of its intersection with Gallows Rd. on approx. 28.54 ac. of land zoned PRM, PDC, HC, and SC. Tax Map 49-3 ((37)) (1) A; 49-3 ((37)) (2) B and a portion of Eskridge Rd. from Merrifield Town Center to Merrifield Cinema Dr.; 49-3 ((37)) D, F, H, J, K, L, N, P, and Q; 49-3 ((38)) (1) 1-11; 49-3 ((38)) (2) 1, 2, 3, and 4; 49-3 ((38)) (3) 1-7; 49-3 ((38)) (4) 1-6; 49-3 ((38)) 1-4. PROVIDENCE DISTRICT. PUBLIC HEARING

Vice Chairman de la Fe noted that Commissioner Hedetniemi would handle this case in Commissioner Lawrence’s absence.

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application CSPA 2005-PR-041-02.

Steven F. Teets, Applicants Agent, Senior Project Manager, Edens Limited Partnership, described his experience with the subject property, noting that the applicant had coordinated with staff on the previously-approved Comprehensive Sign Plan. He then addressed staff's concerns regarding the content for sign ST102b, as identified in the staff report, stating that the applicant had originally proposed a 10-foot sign at this location on North Street because it was a part of a grid of streets plan for the Merrifield Town Center. He also indicated that the intersection at North Street and Eskridge Road was an important access point for the Merrifield Town Center. Mr. Teets said that staff concurred that a sign could be located at this intersection, but determined that the initial design of the sign was too large; therefore, the applicant redesigned sign S102b to make it smaller, as indicated in Figure 9 on page 9 of the staff report. He added that the sign was also moved farther away from the nearby townhomes at this intersection. Mr. Teets then stated that he did not agree with staff's determination that retail tenants should not be depicted on this sign because such use would not adversely impact on the neighboring townhouses. He indicated that he had discussed this issue with Commissioners Hedetniemi and Lawrence wherein he explained that the townhouses proposed for the site were intended to create a more vibrant area, but the applicant did not anticipate that the presence of these townhomes would limit the amount of signage that could be installed. He added that because of this limitation, the applicant could not identify the retail space located behind the townhomes, noting that this retail development had already been approved by the Commission. In addition, Mr. Teets said that the additional signs in this area would make the commercial development more viable.

Answering questions from Vice Chairman de la Fe, Mr. Teets stated that sign ST102b permitted the display of up to six tenants, but noted that the townhouses could also utilize the sign. He reiterated that the applicant sought additional flexibility for this sign to permit additional tenants. He then clarified that while the applicant did not intend to place only one tenant on this sign, it would be possible for some of the six panels to be merged to make room for a larger display for certain tenants. However, he noted that there would be a minimum of four tenants depicted on the sign.

When Commissioner Hart asked for more information about what sign ST102b would depict if it did not list a tenant, Mr. Lynskey explained that the sign would provide information to direct visitors to specified areas. A discussion ensued between Commissioner Hart and Mr. Lynskey regarding the readability of the text on this sign wherein Mr. Lynskey noted the text could utilize more identifiable shapes and colors to improve readability.

Commissioner Hart then asked if the text on sign ST102b would be visible to passing vehicles. Mr. Teets indicated that the text for the tenants on the sign would be approximately 10 to 11 inches across and the speed limit on Eskridge Road was low, which would ensure sufficient visibility. A discussion ensued between Commissioner Hart and Mr. Teets regarding the font of the text for the tenants on the sign wherein Mr. Teets stated that directional arrows would also be depicted on the sign to improve way-finding, noting that this provision had been requested by staff.

Commissioner Hedetniemi said that in discussing the subject application with Commissioner Lawrence, they both concurred that the proposed signs should not direct pedestrians into the residential areas. She then indicated that they had asked the applicant to provide directional arrows to guide traffic towards the retail areas. In addition, she noted that the residential areas and some of the larger commercial developments, such as the Target and the hotel, were already visible, but certain developments required additional visibility. She also pointed out that the locations of the proposed signs were subject to frequent traffic. Commissioner Hedetniemi then explained that if the applicant were willing to incorporate directional arrows into sign ST102b, then restricting the kinds of tenants that could be listed on this sign was too prohibitive. She added that while she understood staff's concerns regarding the tenants that would utilize this sign, she said that permitting greater flexibility would better allow the applicant to provide sufficient way-finding for the site.

Commissioner Hurley indicated that she frequently visited the subject property and noted the difficulty of locating certain retail outlets. When she asked if there would be any signage that directed visitors to the appropriate parking areas, Mr. Lynskey stated that the intersection of Eskridge Road and North Street was an access point for the parking garages for the site. Mr. Teets added that the proposed signs would direct vehicles into the site and then other signs would direct vehicles to the garages. Commissioner Hurley said that she concurred with Commissioner Hedetniemi's remarks about the importance of providing sufficient way-finding for the site.

Vice Chairman de la Fe called the first listed speaker and recited the rules for public testimony.

Ernest Jutte, 2959 Stella Blue Lane, Fairfax, spoke in opposition to the proposal because the proposed monument signs ST102 and ST102b were located too close to the townhomes and would have a negative visual impact. He also expressed concern that the proposed signs would be up-lit, which would create obstructive glare for the adjacent townhomes. In addition, he expressed concern that the proposed temporary monument signs would become permanent. Mr. Jutte then stated that the location, visibility, and compatibility of the monument signs were not consistent with a single-family residential townhome development. In addition, he noted that while Eskridge Road had a 25 miles-per-hour speed limit, vehicles frequently traveled at higher speeds through this area. He also said that Eskridge was primarily a vehicular street and the proposed monument signs would not be sufficiently visible. He then suggested that sign ST102b be removed and directional sign ST103 be moved to a location across the street from where ST102b would have been located, stating that this sign would provide sufficient way-finding towards the parking garage. In addition, Mr. Jutte said that the proposed monument sign ST102 was not necessary.

When Commissioner Hedetniemi asked whether a homeowners association for the townhome development on the site had been formed, Mr. Jutte confirmed that such an association had recently been formed. Commissioner Hedetniemi then encouraged the applicant to coordinate with this homeowners association to ensure that any modifications to the signs were appropriate. She also said that the subject property would become more pedestrian oriented and consequently, additional measures to mitigate vehicle speeds would have to be implemented, noting that Eskridge Road was subject to frequent cut-through traffic. She added that the signs would help ensure that vehicles do not enter residential areas unnecessarily. In addition, Mr. Jutte supported developing District Avenue as a main avenue instead of North Street.

Responding to questions from Commissioner Migliaccio, Mr. Jutte said that the homeowners association for the townhouse development had not coordinated with Providence District Supervisor Linda Smyth or Commissioner Lawrence prior to the public hearing because the association had previously been controlled by the applicant. He also indicated that he had not been able to express his concerns about the subject application prior to the formation of the homeowners association.

When Commissioner Migliaccio asked staff to address Mr. Jutte's concerns about up-lighting from sign ST102b into the townhomes, Mr. Lynskey indicated that up-lighting was intended to be less intrusive than illuminated signs and would be focused directly on the sign. He also confirmed that the up-lighting would not extend above the sign.

Replying to questions from Commissioner Donahue, Mr. Jutte indicated that he did not oppose all signage at the proposed locations for signs ST102 and ST102b. He also said that he supported the installation of vehicular directional sign ST103.

Referring to Development Condition Number 21, which required signs in residential areas to be up-lit, Commissioner Hart pointed out that there was no limitation on the glare of the lighting and asked whether this was addressed in another condition. Mr. Lynskey stated that there were no additional limitations and the intention of the condition was to ensure that the lighting on the signs did not illuminate the surrounding structures. Commissioner Hart expressed concern that there were no constraints preventing glare into the neighboring townhouses and suggested that Development Condition Number 21 be modified to add such constraints.

When Vice Chairman de la Fe asked whether a new development condition could be added that required the applicant to coordinate with the newly formed homeowners association for the townhouses, Mr. Teets said that the applicant had been coordinating with the developer that had managed the townhomes prior to the formation of their homeowners association and they would continue coordinating with the association. He added that the applicant had met with the owners of the neighboring development and they supported the proposal because it was necessary to make the commercial development viable. Mr. Teets also stated that the applicant would address concerns regarding up-lighting for the sign, adding that the lighting could be angled to ensure that the glare did not impact the neighboring townhouses. He also said that he did not oppose adding a condition that prohibited lighting from extending above the sign.

When Commissioner Hedetniemi asked if another residential development was planned for the site, Mr. Teets confirmed that such a development was currently under construction, noting that some units had been completed and occupied. He added that North Street was a connector route to Gallows Road and other commercial areas, noting that the applicant had not proposed signage along District Avenue because it would not be consistent with the residential character of this street.

Commissioner Hedetniemi suggested that the applicant coordinate with the surrounding residents to obtain input and address concerns as the site was developed, adding that the homeowners association for the townhomes be formally invited to participate during activities that affected their community. Mr. Teets stated that applicant had met with some residents throughout the development process and these residents had been given an opportunity to voice their concerns.

He then indicated that the applicant intended to coordinate with the community to ensure that the proposed development was effectively integrated into the community. In addition, he reiterated that the up-lighting for sign ST102b would not affect the surrounding townhomes.

There being no more speakers for this application, Vice Chairman de la Fe called for a rebuttal statement from Mr. Teets, who declined. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Hedetniemi for action on this case.

A verbatim excerpt is listed below and a copy is in the date file.

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Commissioner Hedetniemi: Thank you, Mr. Chairman. I'm going to channel Ken Lawrence here and speak to the motion to approve. I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 2005-PR-041-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 9, 2013.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Commissioner Flanagan. Is there any discussion? Hearing and seeing –

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes, Mr. Hart.

Commissioner Hart: I hope this is a friendly amendment.

Commissioner Hedetniemi: There's more.

Vice Chairman de la Fe: Noted.

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning: Excuse me, one second –

Vice Chairman de la Fe: This is a the recent – on the development conditions.

Mr. Lynskey: One second –

Commissioner Hedetniemi: I've never done this before, so – but there is more to my motion.

Mr. Lynskey: Do you guys have October – I think Bill here has – somehow he has a different date on his staff report. I think it should be October 9. Is that what's in everyone's staff report?

Commissioner Hedetniemi: That's what you have. That's what it says.

Mr. Lynskey: Okay. Okay, I believe that's correct.

Vice Chairman de la Fe: Okay. Mr. Hart – because you have two other motions, but not – you know, related to the development conditions. Mr. Hart, you have a –

Commissioner Hart: You know, maybe I've jumped in at the wrong moment, but what I wanted to suggest as a friendly amendment, if it's appropriate, is that we add something to the last sentence about – of Development Condition 21 about that up-lighting is not going to shine up into the townhouses. And I thought everyone – Mr. Teets was on board with that, staff said that's the intent, and Mr. Migliaccio had suggested that they not be above the tops of the signs – you know, some wording that captures that sense.

Vice Chairman de la Fe: Okay, I – if I – if I can – when I read the last sentence there where it says, "These signs shall also be up-lit, as opposed to internally illuminated, to avoid adverse impact on the neighboring residential properties." I thought that that sort of took care of the issue of, you know, lighting into it, but –

Commissioner Hart: I think what that's doing is saying the signs are going to be lit from below instead of the light going out from the sign. I don't think it says that – I don't think that sentence puts any restriction on the direction of the light or in and out of somebody's window.

Commissioner Migliaccio: Mr. Chairman?

Vice Chairman de la Fe: We are on, but go ahead, Mr. Migliaccio.

Commissioner Migliaccio: I was just going to agree with your portion of the adverse impacts portion of that sentence. I agree with that and if we want to leave it alone, I understand that the – all lighting will also be reviewed and approved by the Mosaic Architectural Review Board, per this sign plan. I believe the applicant will do the right thing on this one with these development conditions.

Vice Chairman de la Fe: Okay.

Commissioner Hart: If staff's comfortable with that.

Vice Chairman de la Fe: This – the applicant and staff understand that we firmly believe in dark skies. In other parts of the County, we have requirements for dark sky. I don't know whether we do here or not. Even with Reston Town Center, the area around Reston is considered one of the darkest and most observatory friendly parts of the County. So maybe we can achieve the same thing here.

Mr. Lynskey: Commissioner Hedetniemi, may I speak?

Commissioner Hedetniemi: Yes.

Mr. Lynskey: I just want to make clear if you – if you did intend to modify the conditions at all to – about the tenant signage to address that?

Commissioner Hedetniemi: I haven't had – I haven't had a time to complete reading this piece of paper.

Mr. Lynskey: Okay, I'm sorry.

Commissioner Flanagan: Mr. Chairman?

Vice Chairman de la Fe: Mr. Flanagan, we are on verbatim, but go ahead.

Commissioner Flanagan: Oh.

Vice Chairman de la Fe: No, no, no go ahead.

Commissioner Flanagan: I just wanted to ask the applicant, how will the homeowners association be involved in approving which way the lighting occurs up – you know, up onto their buildings or not. Will they have some veto authority to prevent that?

Steven Teets, Senior Project Manager, Edens Limited Partnership: Certainly, we will represent the way the up-lighting is shown and show that it won't go above the existing sign, as I've said. If – I don't know that if they still just veto they don't run lights along it. I – I, you know, the representation that I – at least let me light the sign, but then we'll show them – we will get a – we'll get a – I guess a – what do you call it – a photometric – a photometric plan that will actually show how it works and the angle of it and how it won't spill above that; same as, you know, with what you get above those property lines, you know, when you have shades on that. So we will – again, we're there. We're there for the long haul. We will make sure that we make that presentation to them, now that they're that they're a part of that.

Commissioner Flanagan: Thank you.

Mr. Teets: Their homeowners association actually, I think, de facto, actually becomes part of our – our master organization, so they actually are still a member of us as well.

Vice Chairman de la Fe: Okay, thank you very much. We have a motion and – pardon me?

Commissioner Hart: Mr. Chairman, can I ask one more questions?

Vice Chairman de la Fe: Yes, we're in discussion of the motion.

Commissioner Hart: Yes, for Commissioner Hedetniemi.

Commissioner Hedetniemi: Yes sir?

Commissioner Hart: Are you going to change the wording of any of the other conditions on anything?

Commissioner Hedetniemi: Possibly.

Commissioner Hart: Because now is the time to do it before we vote on it. That's --

Commissioner Hall: Yes.

Commissioner Hart: Otherwise, we're adopting what's in the staff report verbatim.

Commissioner Hedetniemi: Yes, and I have -- and I have conditions to read.

Commissioner Hart: But you've already made the motion to approve with these conditions. We haven't --

Commissioner Hedetniemi: The following modifications.

Commissioner Hart: Oh, see? That's important. Let's hear them.

Commissioner Hedetniemi: Comma after October 9, 2013.

Vice Chairman de la Fe: Okay.

Commissioner Hedetniemi: All right? I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 2005-PR-041-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 9, 2013, WITH THE FOLLOWING MODIFICATIONS:

CONDITION NUMBER 20 SHALL BE MODIFIED AS FOLLOWS: THE LAST SENTENCE OF SUB-HEADING B SHALL BE REVISED TO REMOVE THE PHRASE, "WHILE PURSUING APPROVAL OF A PCA APPLICATION TO ALLOW THE PRIMARY SIGN TYPE IN THOSE LOCATIONS";

A SUB-HEADING C SHALL BE ADDED THAT READS, "MONUMENT SIGN TYPE ST102B AT THE INTERSECTION OF MERRIFIELD TOWN CENTER AND ESKRIDGE ROAD SHALL NOT BE ALLOWED UNTIL SUCH TIME AS THE CURB LINE OF MERRIFIELD TOWN CENTER IS RECONSTRUCTED TO INCLUDE SUFFICIENT AREA BETWEEN THE SIDEWALK AND CURB, AS PROPOSED UNDER THE SEPARATE REZONING APPLICATION RZ/FDP 2013-PR-007, AND REFLECTED ON PAGE 11 OF THE CSPA.";

CONDITION 21 SHALL BE REMOVED, EXCEPT FOR THE FINAL SENTENCE, WHICH SHOULD BE REVISED TO READ, "ALL MONUMENT SIGNS LOCATED IN RESIDENTIAL AREAS SHALL BE UPLIT, AS OPPOSED TO INTERNALLY ILLUMINATED TO ALLOW ADVERSE IMPACTS ON THE NEIGHBORING RESIDENTIAL PROPERTIES";

A CONDITION NUMBER 24 SHALL BE ADDED THAT READS: "THE PROPOSED MONUMENT SIGN ST102B AT THE INTERSECTION OF MERRIFIELD TOWN CENTER AND ESKRIDGE ROAD SHALL FEATURE DIRECTIONAL ARROWS IN ADDITION TO THE TENANT NAMES IN ORDER TO AID DIRECTIONAL WAYFINDING."

Commissioners Donahue and Flanagan: Second.

Vice Chairman de la Fe: Okay, it has been moved and seconded –

Commissioner Donahue: Mr. Chairman?

Vice Chairman de la Fe: – both by Mr. Flanagan and Mr. Donahue.

Commissioner Hedetniemi: I'm not done.

Commissioner Donahue: Oh.

Vice Chairman de la Fe: You're not done?

Commissioner Hedetniemi: I'm not done.

Commissioner Donahue: Will you remove my second? I apologize.

Vice Chairman de la Fe: Okay.

Commissioner Hedetniemi: Staff recommends that the Planning Commission approve a modification to Section 12-104 – I'm sorry?

Vice Chairman de la Fe: Okay, let's deal with the development conditions and then move to the other motions.

Commissioner Hedetniemi: Okay.

Commissioner Donahue: Thank you, Mr. Chairman.

Vice Chairman de la Fe: So we – the motion to approve, subject to the development conditions as contained in the staff report and amended tonight by Commissioner Hedetniemi, has been moved and seconded by Commissioners Flanagan and Donahue. And Mr. Donahue, you wanted to say something?

Commissioner Donahue: Thank you, Mr. Chairman. It is my understanding – was this brought up this evening from staff? This amendment? Is that correct?

Mr. Lynskey: Yes.

Commissioner Donahue: All right. And I wonder if maybe staff should explain how they feel the modification impacts the motion in the application. I would at least like to hear it.

Vice Chairman de la Fe: You mean the – the changes to the development conditions?

Commissioner Donahue: This is a change, I understand, that has been put in by staff, not by the Commissioner. It has been suggested by staff.

Mr. Lynskey: Well, there are several changes to the conditions. The first two were actually just – were – let's see. The first two were actually staff additions – sort of last minute staff additions. One just removed a phrase about approval of a PCA application, which was not really an important phrase there. We just kind of cleaned that one up. And the second condition was regarding the curb line at that – that monument sign, 102b, that's actually proposed to be in an area between the curb and the sidewalk that doesn't exist right now. It's actually part of a separate application that's coming before you all in a couple of weeks. So we just wanted to clarify that that was – that the location of that sign is contingent on that actually happening. So those are staff additions. And the other two are related to the tenant advertising on the signs and – those were per conversations with Janyce and Ken Lawrence and the applicant. And so they worked out some agreement there, I believe.

Commissioner Hedetniemi: Is the language in –

Vice Chairman de la Fe: Commissioner Hedetniemi.

Commissioner Hedetniemi: Thank you. Does the language in – regarding Condition 24 make moot the issue of the tiers that were in the original language as to what was allowable?

Mr. Lynskey: Just eliminating Condition Number 21 as it read eliminates that restriction. That was the condition that restricted the tenant advertising. So we removed – we removed all of that except for the part about the – the up-lit illumination. So it's just the removal of the majority of Condition 21 would remove that restriction.

Commissioner Hedetniemi: Thank you. I have one more thing to say.

Vice Chairman de la Fe: Okay.

Commissioner Hedetniemi: I apologize to everyone for any confusion because I have never done this before and I only knew that I was going to be doing it this morning.

Vice Chairman de la Fe: You've done well. Is there any further discussion? Hearing and seeing none, all those in favor of the motion, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. I believe you have some additional things?

Commissioner Hedetniemi: Yes. Staff recommends THAT THE PLANNING COMMISSION APPROVE A MODIFICATION TO SECTION 12-104, PARAGRAPH 13, OF THE ZONING ORDINANCE TO ALLOW A 7-FOOT MINIMUM HEIGHT ABOVE WALKWAYS IN PLACE OF THE 10-FOOT MINIMUM REQUIREMENT.

Vice Chairman de la Fe: You move that?

Mr. Lynskey: That should be a motion, not a staff recommendation.

Vice Chairman de la Fe: Yes, you move that.

Commissioner Hedetniemi: I MOVE THAT. Thank you. And that was referenced in Mr. Lynskey's report.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: It has been moved and seconded by Mr. Flanagan. Any discussion? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

Commissioner Hedetniemi: Further, I MOVE THAT THE PLANNING COMMISSION APPROVE A MODIFICATION TO SECTION 12-203, PARAGRAPH 5, OF THE ZONING ORDINANCE TO ALLOW A 3-FOOT MINIMUM DISTANCE TO CURB LINES FOR FREESTANDING SIGNS AS CONDITIONED IN PLACE OF THE 5-FOOT MINIMUM DISTANCE REQUIREMENT.

Commissioners Donahue and Flanagan: Second.

Vice Chairman de la Fe: It has been moved and seconded by Mr. Flanagan and Mr. Donahue. Any discussion? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Is that it?

Commissioner Hedetniemi: That's it.

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The motion carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

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RZ 2013-MV-001 AND FDP 2013-MV-001 – A&R
HUNTINGTON METRO, LLC – Appls. to rezone from C-5 to
PRM to permit mixed use development with an overall Floor Area
Ratio (FAR) of 3.0, approval of the conceptual and final
development plans, waiver of minimum district size and waiver
#25678-WPFM-001-1 to permit the location of underground storm
water management facilities in a residential area. Located at 2338,
2340, 2342, and 2344 Glendale Ter. and 2317 Huntington Ave.,
Alexandria, 22303, on approx. 1.04 ac. of land. Comp. Plan Rec:

Option for transit oriented mixed use with up to 3.0 FAR. Tax Map
83-1 ((8)) 92A, 92B, 93A, 93B, and 94A. MOUNT VERNON
DISTRICT. PUBLIC HEARING

Mark Looney, Esquire, Applicants agent, Cooley LLP, reaffirmed the affidavit dated September 20, 2013. There were no disclosures by Commission members.

Commissioner Flanagan announced his intent to defer the decision only on these applications after the close of the public hearing.

Megan Duca, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of applications RZ/FDP 2013-MV-001 because they were not compatible with the surrounding stable residential area, did not provide sufficient publicly accessible open space, did not meet the guidelines for Transit Oriented Development, did not provide sufficient parking at a level that would mitigate the impact on the surrounding neighborhood, did not provide sufficiently creative stormwater management techniques, and was not consistent with the Policy Plan regarding noise mitigation for outdoor activity areas.

Referring to Figure 28 from the Comprehensive Plan depicted on page 4 of the staff report, Commissioner Flanagan pointed out that the subject property was located within the Huntington Conservation Area (HCA), which was established in the 1970s. He noted that the land located west of the subject property contained the parking garage for the Huntington Metrorail Station, a previously-approved Transit Station Area, and a planned commercial development. He then indicated that the subject application was the first application within the HCA, which Ms. Duca confirmed. Commissioner Flanagan also pointed out that there was a townhouse development to the east of the subject property, but noted that this development did not extend into the Cameron Run Watershed, adding that this area was also within a flood plain. In addition, he said that a flood retention dam was being developed along Cameron Run to protect the homes within the HCA, adding that some homes within this area had been damaged by recent floods. Commissioner Flanagan then said that development was needed to instigate further redevelopment of the area. He explained that the subject applications had been in development since 2007 and initially included a 14-story building, but this was later modified to include a 7-story building, adding that the community had provided input on the development of this building. He also stated that the proposed development met the requests by staff for a development suitable the HCA. In addition, Commissioner Flanagan identified the commercial district within the subject property, noting that a portion of the land to the south had been subject to a Comprehensive Plan Amendment, APR 08-IV-9MV. He added that this amendment was subsequently included in an amendment to the Huntington Conservation Plan that ensured it would only apply to the area around the commercial district. He also said that the Residential Housing Authority (RHA) was required to review and comment on changes to this district, which would occur during the deferral period, and indicated that these comments would be made available to the Commission.

Referring the proffers dated October 2, 2013, Commissioner Sargeant asked why Proffer Number 24, Loading Spaces, had been deleted from the revised set dated October 10, 2013. Ms. Duca explained that staff recommended that Proffer Number 24 be deleted because it was not

necessary, noting that the applicant was requesting a loading space waiver. (A copy of the revised proffers is in the date file.)

In response to questions from Commissioner Sargeant, Ms. Duca stated that the applicant had offered to escrow funds for the future construction of a bicycle lane on Huntington Avenue due to the uncertain time frame for when such a lane would be provided. She also confirmed that there was currently no bicycle lane along Huntington Avenue.

Referring to Proffer Number 30A, Trip Reduction Objective, which stated that the applicant's Transportation Demand Management Plan would commit to achieving a 45 percent trip reduction, Commissioner Sargeant asked whether this plan was consistent with the criteria for an "affected area study," as determined as a broader assessment of trip reduction goals for developments in the surrounding area.

Meghan Van Dam, Branch Chief, Planning Division, DPZ, confirmed that the subject property was within the area within the "affected area study." Commissioner Sargeant then commented the applicant's trip reduction goal, but encouraged further study of the effects of these goals on a broader area.

Commissioner Sargeant asked whether the proposed option for 3,500 square feet of retail space was sufficiently large to be viable. Ms. Duca pointed out that the Comprehensive Plan recommended five percent retail use over the entire 4.35-acre redevelopment area and the subject applications was consistent with this provision, adding that this retail use could be provided by other applications within the area if necessary. Commissioner Sargeant noted the difficulty of providing retail in a mixed-use development, but added that there was significant demand for such use by residents.

In reply to questions from Commissioner Hart, Ms. Duca confirmed that the applicant was required to provide two loading spaces, but a waiver was being requested to provide only one. She also confirmed that there would be no parking for the retail space and no on-street parking was permitted along Huntington Avenue. In addition, Ms. Duca said that staff was reviewing the applicant's request for a parking reduction with the Department of Public Works and Environmental Services (DPWES), who had expressed concern that the lack of parking would adversely impact the surrounding community. She then deferred to the applicant for more information about how deliveries would be made at the subject property.

When Commissioner Hart asked for clarification on the elevation on Sheet 10 of the CDP/FDP, Ms. Duca stated that this elevation depicted the option to develop the retail space for residential use. A discussion ensued between Commissioner Hart and Ms. Duca regarding the utilization of the space between the sidewalk and the windows of this possible residential use wherein Ms. Duca said that there was sufficient space between the sidewalk and the building to accommodate the browsing area proposed by the applicant, but staff had expressed safety concerns about the implementation of this option because of the lack of separation between the street and the residential area, noting that this street was subject to significant pedestrian traffic.

Replying to questions from Commissioner Hurley, Ms. Duca indicated that the dog park was approximately 17 feet wide. She also stated that there was an existing 7-Eleven on the property

east of the dog park. She then noted that staff asked the applicant to consider an alternative use for the dog park because it was below the Fairfax County Park Authority's (FCPA) recommended size for such a park.

When Commissioner Hurley asked whether the size of the apartment units would affect the amount of parking required for the proposed development, William O'Donnell, ZED, DPZ, explained that the parking requirement was based on the number of dwelling units in a development and the Zoning Ordinance required 1.6 spaces per unit.

Responding to questions from Commissioner Migliaccio, Ms. Duca said that the intensity of the proposed development on the site was a factor in the applicant's inability to address staff's concerns regarding creative stormwater management techniques. Mr. O'Donnell added that the applicant had an opportunity to increase the height of the development along Huntington Avenue to reduce the intensity on other areas of site, but chose not to pursue this option. He added that the intensity of the proposed development also limited the applicant's ability to provide public open space. A discussion ensued between Commissioner Migliaccio and Mr. O'Donnell regarding staff's preference for a larger building along Huntington Avenue, earlier designs for the proposed development, and the size requirement for a Planned Residential Mixed Use (PRM) District wherein Mr. O'Donnell confirmed that the minimum size for a PRM District under the Zoning Ordinance was two acres.

When Commissioner Migliaccio asked whether staff would support a lower intensity development on the subject property or a waiver for the PRM District size requirement, Ms. Duca explained that staff had determined that the applicant had not satisfied the Zoning Ordinance requirements to warrant such a waiver.

When Commissioner Donahue asked for the source of the 45 dBA Ldn noise level requirement for the interior area of the proposed development, Mr. O'Donnell explained that this requirement came from the Policy Plan. He added that staff had also requested that the applicant provide a noise study, but such a study had not been provided. A discussion ensued between Commissioner Donahue and Mr. O'Donnell regarding when an applicant provided a noise study and the measures used for noise levels wherein Mr. O'Donnell said that it was common for an applicant to provide a noise study as part of the application and he had requested that the applicant provide such a study for the subject application to ensure that the interior and exterior noise levels were consistent with the requirements in the Policy Plan, noting that the applicant might be required to utilize different construction materials to meet these requirements.

Referring to the provisions requested by the FCPA shown on page 21 of the staff report, Commissioner Migliaccio asked whether the size of the proposed urban parkland was sufficient. Ms. Duca confirmed that the urban parkland proposed by the applicant was not sufficient.

Referring to staff's assessment of the noise on the subject property on page 18 of the staff report, Commissioner Migliaccio pointed out that the applicant would maintain a noise level below 45 dBA Ldn in the interior residential courtyard, as articulated in Proffer Number 9, Noise Study and Mitigation, but had not proffered a similar noise limit for other portions of the site. When he asked how much additional noise mitigation would be required by the applicant, Mr. O'Donnell

indicated that this could not be determined without a noise study. Commissioner Migliaccio then asked the applicant to explain why a noise study was not provided in their presentation.

Answering questions from Commissioner Flanagan, Mr. O'Donnell stated that the measurement of the noise levels on the site would be based on the speed limit on Huntington Avenue, the number of vehicles traveling along this street, and the projected increases in the number of vehicles. Ms. Duca then confirmed that the current speed limit on Huntington Avenue was 35 miles per hour. A discussion ensued between Commissioner Flanagan and Mr. O'Donnell regarding difficulty of achieving sufficient noise mitigation along a road with a 35 miles per hour speed limit compared to roads with higher speed limits wherein Mr. O'Donnell pointed out that the noise levels for the exterior areas would exceed 65 dBA Ldn and Ms. Duca clarified that the applicant would only provide sufficient noise mitigation to the outdoor courtyard areas and not the additional outdoor areas.

Mr. Looney delivered a PowerPoint presentation to the Commission. He explained that the subject property was located approximately a quarter of a mile from the Huntington Avenue Metrorail Station and the proposed development was consistent with the County's criteria for future development within a Transit Station Area. He described the topography and soil composition of the site, noting that there were currently no stormwater detention controls on the site and any additional stormwater management provision on the site would improve the existing condition. Mr. Looney described the history of this proposal and the subject property, noting that the original intent of the Huntington Conservation Plan (HCP) conflicted with the County's goals for Transit Oriented Development and the subsequent modifications to the Comprehensive Plan made the subject property more conducive to these goals. He added that the Comprehensive Plan and the HCP both recommended a maximum building height of 70 feet along Huntington Avenue and 40 feet along Glendale Terrace. Mr. Looney addressed staff's concern regarding insufficient consolidation of additional parcels with the subject property, saying that applicant had been unable to acquire these parcels from neighboring property owners. In addition, he pointed out that there was a 15-foot utility strip that ran through the property near the eastern boundary, which further limited the applicant's ability to consolidate additional parcels. He then said that in lieu of being unable to acquire additional parcels, the applicant provided staff a conceptual plan for how the surrounding area would possibly develop. Referring to Slide 11 of his presentation, he described the potential development of the properties to the east of the subject property. Mr. Looney also addressed staff's concern that the proposed development would not be consistent with the character of the development to the west of the subject property, saying that the Comprehensive Plan and the HCP recommended that the design of the proposed development be similar to these existing developments. He reiterated that the footprint of the proposed development on the subject property was limited and the intensity of the development should not be similar to the existing development to the west because this development was closer to the Huntington Avenue Metrorail Station. He then described the curb and setback of the proposed development along Biscayne Drive. Referring to Slides 14 through 19 of his presentation, Mr. Looney explained that the applicant had conducted a shadow study to determine how the height of the proposed development would affect the neighboring developments. He then addressed staff's concern regarding insufficient public open space, pointing out that County's Urban Park Standard required one third of the acreage of the site be reserved for public open space and this could not be achieved due to the constraints on the subject property. Mr. Looney indicated that the applicant preferred to utilize the option to provide approximately 3,500 square feet of ground

floor retail for the proposal. He noted that the applicant had originally proposed to provide on-street parking along Huntington Avenue, but this had been removed at the request of the Fairfax County Department of Transportation (FCDOT) due to concern that it would affect traffic flow. He added that since these restrictions could limit the viability of the retail space, the subject applications included an option to convert this space to residential uses, noting that the proposed development would have a maximum of 141 units. Mr. Looney addressed staff's concern regarding insufficient creative stormwater management techniques, pointing out that the proposal would provide a level of phosphorous removal that was 10 percent greater than the Public Facilities Manual (PFM) requirement. He added that the proposal's stormwater management provisions included an underground vault, bioretention basins, cisterns, permeable pavers, and natural lawn areas. He then addressed staff's concern regarding insufficient parking for the proposed development, noting that the subject application included 161 parking spaces, providing 1.14 parking spaces per unit, which was lower than the 1.3 spaces per unit preferred by DPWES. He added that a 45-percent trip reduction goal and a commitment to providing a maximum of 25 two-bedroom residential units would mitigate the impact of the parking reduction request. In conclusion, Mr. Looney said that the proposed development would improve the existing condition of the site and noted that the subject applications had the support of the surrounding community, the Southeast Fairfax Development Corporation, the Huntington Community Association, and the Mount Vernon Council of Citizens Association. (A copy of Mr. Looney's presentation is in the date file.)

In response to questions from Commissioner Flanagan, Mr. Looney confirmed that the proposed dog park was intended to utilize the utility strip. He added that the applicant had discussed the use of this land and the dog park, while not meeting FCPA standards, would provide public open space on the site. In addition, he indicated that the applicant did not provide staff with any criteria for consolidating the proposed development with a larger development for the surrounding block because the additional parcels necessary for such a development could not be acquired, but noted that the footprint of the proposed development could not be expanded because of the utility strip.

Commissioner Flanagan pointed out that during the Commission's review of APR 08-IV-9MV, the impact of the utility strip was considered for the recommended development at the time. He then referred to the Comprehensive Plan text at the bottom of page 5 of the staff report, which read, "To encourage consolidation, portions may seek rezoning without the need for the entire block to be included at one time, provided that the applicant can demonstrate that any unconsolidated parcels would be able to develop in conformance with the Plan." When he asked Mr. Looney whether the depiction on Slide 11 of his presentation reflected an appropriate demonstration for the entire block, Mr. Looney concurred, adding that such a demonstration was done after discussions with staff. A discussion between Commissioner Flanagan and Mr. Looney ensued regarding the ability of the applicant to redevelop the entire block wherein Mr. Looney indicated that the proposal was consistent with the recommendations of the Comprehensive Plan, reiterating that the applicant was unable to address concerns about additional development of the surrounding properties due to the constraints of the site.

When Commissioner Flanagan suggested the applicant consider an option for community use of the retail space, Mr. Looney said that such a use had not been considered, adding that the retail

option and the residential option were more economically viable. However, he indicated that such a use would be discussed during the deferral period.

A discussion ensued between Commissioner Flanagan and Mr. Looney regarding how the tenants would access the elevators on the first floor of the proposed development wherein he pointed out the location of the lobby, the amenity space, and the potential retail space/residential space.

When Commissioner asked how deliveries would be made for the proposed development, Mr. Looney explained that most delivery vehicles had set routes with regular drivers and the applicant would coordinate with these delivery services to ensure that they park in the appropriate loading areas. He added that some deliveries, such as pizza deliveries, could park along Biscayne Drive or Glendale Terrace. A discussion ensued between Commissioner Flanagan and Mr. Looney regarding the availability of parking along these streets wherein he noted that vehicles could not currently park along the frontage of the site during certain hours without a parking permit, but this provision would be eliminated once the proposed development was constructed.

Commissioner Flanagan asked whether the applicant intended to detain more than one inch of stormwater on-site. Mr. Looney indicated that the proposal would be consistent with current PFM standards, but pointed out that Proffer Number 33, Stormwater Management, stated that the applicant would comply with any revised standards prior to site plan approval.

When Commissioner Migliaccio expressed concern about the applicant's request to provide less parking than the amount required by the Zoning Ordinance, Mr. Looney explained that the proposed development would accommodate owners and landlords that were comfortable providing reduced parking to tenants and the applicant was comfortable with these provisions, noting that the applicant had experience with similar developments. In addition, he said that the apartment units would not be bundled with a parking space and the applicant was comfortable risking the possibility that there might not be sufficient parking for every unit.

Commissioner Migliaccio acknowledged that the applicant would be unable to provide sufficient urban parkland on-site and Commissioner Flanagan suggestion that the applicant consider an option to develop the retail space as a community center. He then asked when the retail space would be leased. Mr. Looney stated that there would be a leasing period for the retail space once construction on the proposed development began and upon completion, the applicant would decide whether the retail space would be converted to another use. He then reiterated that a community center would be further discussed during the deferral period. In addition, he said that the possibility of a community center had arisen during discussions with staff, but he indicated that there would not be sufficient parking to accommodate such a use. A discussion ensued between Commissioner Migliaccio and Mr. Looney regarding concerns about the limited parking availability for the retail space wherein Mr. Looney reiterated that FCDOT did not support on-street parking along Huntington Avenue and while the applicant the applicant preferred exercising the option for retail space, the option for residential use was a contingency in case the applicant could not secure commercial tenants.

Commissioner Migliaccio expressed concern about the viability of retail space in the proposed development and the residential option for this space, noting issues with the location and

buffering requirements for the residential options. Mr. Looney pointed out a building zone along an 8-foot sidewalk that would be located along the frontage of the proposed development, stating that this building zone could accommodate uses that would serve the retail development. In addition, he said that if the residential option was implemented for the retail space, then an additional barrier would be installed to screen the units.

Commissioner Migliaccio asked the applicant to give further consideration to relocating the utilities along the utility strip or consolidating the subject property with the surrounding parcels.

Commissioner Hart acknowledged the constraints of the proposal due to the size of the site, but stated that further revisions could be made to alleviate staff and the Commission's concerns during the deferral period, adding that he had submitted additional questions to the applicant offline.

Commissioner Hart echoed Commissioner Migliaccio's concerns regarding the viability of the retail space, citing other developments that had greater parking provisions where the space could not be leased. He said that while the applicant had anticipated this possibility by including the option to convert the retail space for residential use, the provisions for this residential use were not sufficiently articulated in the staff report or the proffers and requested further clarification during the deferral period. He also indicated that he favored the retail option for the proposed development, but the size of the space would make it difficult to secure a tenant. Commissioner Hart then expressed concern that the proffers did not prohibit certain uses for the retail space that would be inappropriate for the site, such as a child care center or an adult video store. In addition, he stated that he did not support the waiver for the second loading space and encouraged the applicant revise the applications to accommodate this space. Commissioner Hart also expressed concern about the parking provisions, citing other developments where an applicant underestimated the amount of parking necessary, which forced vehicles to utilize nearby street parking. He also stated that the lack of parking for the site would adversely impact the neighboring properties.

Vice Chairman de la Fe called the first listed speaker.

Janet Hedrick, 2128 Farrington Avenue, Alexandria, spoke in support of the application because it would improve the community, pointing out other upscale Transit Oriented Development around the Huntington Avenue Metrorail Station. She also noted that the community was concerned about the existing low-end commercial development located east of the site, saying that the proposal could help improve this area. Ms. Hedrick said that the applicant had met with the surrounding community to receive their input and commended their efforts, citing contributions such as the shadow study and plans for public art. She then made the following comments regarding staff's concerns for the application:

- There was ambiguity regarding what constituted compatibility with a stable residential area and the existing commercial developments were already incompatible with the surrounding residential developments;

- There was already limited parking for the existing residents of the neighborhood, many of which utilized street parking, and the proposed development could further limit these provisions if future residents also had to utilize this parking;
- The applicant should provide additional parking for the proposed development at a rate of 1.2 spaces per apartment unit, which would add 9 additional spaces, to ensure sufficient parking for the residents;
- There were other Transit Oriented Developments that provided the 1.6 parking spaces per unit prescribed by the Zoning Ordinance and recommended by DPWES where some of these spaces were not sufficiently utilized;
- The County should strictly enforce the provision prohibiting residents within the proposed development from applying for a residential parking permit, which would restrict parking during certain specified hours on weekdays;
- The proposed retail use for the proposed development would primarily serve pedestrian traffic;
- The applicant could not reasonably mitigate noise in public outdoor areas;
- The surrounding residents were accustomed to the noise generated by the traffic along Huntington Avenue and the Huntington Avenue Metrorail Station; and
- The stormwater management techniques outlined in the proposal would exceed County guidelines and would manage stormwater runoff more effectively, noting the poor condition of the soil on the site.

Ms. Hedrick also pointed out that the applicant would provide funds for local schools. In conclusion, she said that the applicant had sufficiently addressed the concerns of the surrounding community. (A copy of Ms. Hedrick's statement is in the date file.)

A discussion ensued between Commissioner Flanagan and Ms. Hedrick regarding her suggestion that nine additional parking spaces be added wherein she clarified that she did not support providing parking permits for residents of the proposed development and favored increased enforcement of existing parking restrictions in the area.

Commissioner Flanagan submitted letters from neighboring residents, the Huntington Community Association, and the Southeast Fairfax Development Corporation supporting the subject applications to the record. (Copies of these letters are in the date file.)

A discussion ensued between Commissioner Sargeant and Mr. Looney regarding the incentives the applicant would offer to maintain the viability of the retail use for the proposed development wherein Commissioner Sargeant acknowledged the constraints of the site, but suggested that the applicant provide prospective tenants with incentives to make the retail use more cost-effective.

Referring to Proffer Number 12, Workforce Dwelling Units (WDU), and a letter from the Mount Vernon Council of Citizens Association, Commissioner Sargeant asked for clarification on the language regarding the income levels for the units, which indicated that the applicant reserved the right to enter into a separate binding agreement with an appropriate Fairfax County agency and the County would not be obligated to implement such an agreement. Mr. Looney explained that the intent of the proffer was to establish how workforce housing would be provided in terms of income levels for rental units, noting that by entering into a separate agreement, the policy for how these units would be managed. He added that such agreements provided greater flexibility than standard County guidelines. Commissioner Sargeant suggested that the language be clarified to specify the applicant's intent regarding income levels for workforce housing on the site. (A copy of the letter is in the date file.)

Commissioner Hurley expressed concerns about the limited parking provisions, noting that there would be few spaces to accommodate guests of the residents. When she asked why the applicant could not acquire a vacant parcel zoned C-5 to east of the subject property, Mr. Looney said that this parcel was owned by a neighboring residential development and the owner would not sell this land. A discussion ensued between Commissioner Hurley and Mr. Looney regarding the potential use of this parcel.

Vice Chairman de la Fe requested that the applicant clarify during the deferral period the commitment to reserve no less than 15 percent of the units as WDUs, pointing out that it was unclear whether this commitment would include both Affordable Dwelling Units (ADU) and WDUs. Mr. Looney explained that there would be no ADUs provided with the proposed development, noting that applicants for similar developments were required to include a proffer that specified that ADUs would be provided if required, even if they were not expected to be needed. In addition, he clarified that Proffer Number 12 stated that the applicant would reserve at least 15 percent of the units as WDUs at income levels consistent with County policies.

A discussion ensued between Commissioner Migliaccio and Mr. Looney regarding the possibility that parking for WDUs would be sold at a reduced rate wherein Mr. Looney indicated that WDUs would be promised a parking space, but there could be issues where this space would not be utilized if a WDU tenant chose not to buy it.

Referring to page 29 of the staff report, Commissioner Hall asked whether any of the six reasons staff listed for recommending denial of these applications had been addressed. Ms. Duca said that these six reasons were still considered outstanding issues. A discussion ensued between Commissioner Hall and Ms. Duca regarding the way in which staff reviewed these issues before making their recommendation.

Commissioner Hall then asked the applicant why the applicant had not addressed staff's concerns regarding noise mitigation for the outdoor activity areas. Mr. Looney said that the applicant had assessed the noise impact for the proposed development and had committed to sufficiently mitigating the noise for the interior. He then echoed Ms. Hedwick previous remarks, saying that the location of the outdoor activity areas along Huntington Avenue made it difficult implement further noise mitigation. In addition, he cited other developments along Huntington Avenue that did not provide any noise mitigation provisions for outdoor activity areas because it was understood that the location was an urban environment. Mr. O'Donnell pointed out that the

development the applicant was referring to had included a Resource Protection Area that was screened from noise along Huntington Avenue. He added that this development had also provided a noise study and reiterated that the applicant had not provided such a study.

When Commissioner Hall asked the applicant why a noise study had not been provided, Sean Pink, agent for the applicant, A&R Huntington Metro, LLC, explained that the applicant had an understanding that the noise study was for the interior portions of the proposed development, stating that the noise levels for the interior sufficiently mitigated for these portions through various building construction methods. He then indicated that the applicant did not find out that a noise study for the exterior portions of the development was necessary until later in the application process. He also echoed Mr. Looney's remarks regarding the difficulty of providing noise mitigation measures for the outdoor activity area along Huntington Avenue. When Commissioner Hall asked staff to respond to Mr. Pink's remarks, Mr. O'Donnell reiterated that the applicant had not provided a noise study and that such a study had been requested on multiple occasions.

Commissioner Hall then expressed concern that the applicant was not effectively coordinating with staff and encouraged greater coordination during the deferral period.

A discussion ensued between Commissioner Flanagan and Mr. Looney regarding the amount of studio units in the proposed development wherein Mr. Looney indicated that approximately 20 percent of the dwelling units would be studio units.

A discussion ensued between Commissioner Flanagan and Mr. Looney regarding the availability of on-site parking for the retail space and the possibility of paving the retail strip wherein Mr. Looney clarified that the applicant was not permitted to construct buildings, structures, or landscaping above a certain size on this strip.

In reply to questions from Commissioner Flanagan, Mr. Looney said that there had been discussions with the owner of the 7-Eleven to the east of the site regarding the acquisition of additional parking spaces, but noted that the owner did not have the authority to provide such space. In addition, he stated that the parking garage at the Huntington Avenue Metrorail Station could serve as additional parking for the proposed development, adding that this parking would be subject to parking fees during the week. He then indicated that while the applicant could not control the parking provisions at the parking garage, the tenants would be informed of this and other parking options around the site. Mr. Looney also said that the applicant had not met with the owner of the neighboring residential development to the west of the site regarding the possibility of shared parking, but this option would be explored.

Commissioner Sargeant pointed out that the County was considering Zoning Ordinance Amendment regarding Residential Studio Units. When he asked whether earlier references to studio units with this proposal were related to this issue, Mr. Looney stated that these units were not related.

Referring to the suggestions that Commissioners had made regarding incentives for prospective retail tenants for the proposed development, Commissioner Sargeant clarified that the

Commission did not have the authority to specify what the applicant could charge tenants and these suggestions were intended to preserve the viability of the retail space.

There being no more speakers, Vice Chairman de la Fe called for a rebuttal statement from Mr. Looney, who declined.

Vice Chairman de la Fe called for concluding staff remarks from Ms. Duca and Mr. O'Donnell. Mr. O'Donnell reiterated that the Zoning Ordinance required that the applicant provide 1.6 parking spaces per dwelling unit and approximately 16 spaces for the retail space, but the applicant was providing 1.14 for the residential portion of the development and none for the retail. He indicated that staff would be amenable to the applicant providing 1.3 spaces per dwelling unit and a reduction in the amount of retail space, but noted that staff also wanted the applicant to provide parking for the retail space. In addition, Mr. O'Donnell stated that if street parking were provided along Huntington Avenue, these spaces could not be regulated, which factored into staff and FCDOT's determination to not support adding these spaces.

Referring to Ms. Hedrick's testimony, Commissioner Hart pointed out that by prohibiting residents of the proposed development from utilizing on-street parking around the site, the negative impact of not having sufficient parking would be greater. He then asked for further clarification on how the proposed development would accommodate guest parking. Mr. O'Donnell indicated that street parking in the area was restricted to weekdays and reiterated that the Huntington Avenue Metrorail Station would also provide additional parking for guests. In addition, Mr. Looney said that passes for guest parking would be provided within the parking garage of the proposed development if it were available.

There were no further comments or questions from the Commission; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Flanagan for action on these cases. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ/FDP 2013-MV-001, A&R HUNTINGTON METRO, LLC, TO A DATE CERTAIN OF THURSDAY, NOVEMBER 7, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT, AND THAT THE BOARD OF SUPERVISORS DEFER THEIR PUBLIC HEARING FOR THIS CASE UNTIL AFTER THE COMMISSION HAS MADE A RECOMMENDATION.

Commissioner Hall seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.

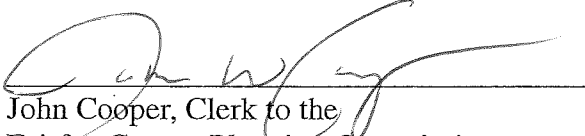
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The meeting was adjourned at 11:58 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: July 17, 2014



John Cooper, Clerk to the
Fairfax County Planning Commission